

Remarks

The Examiner's comments and objections and the cited references have been carefully considered by the Applicant.

Claims 27 and 37 are cancelled without prejudice.

It is accordingly requested that the objection under 37 CFR 1.75(c) and the claim rejection under 35 USC 112 be withdrawn.

An English translation of the Italian patent application BO2002A000759 from which the present application claims priority is herewith submitted to be made of record, in accordance with 37 CFR 1.55 and MPEP 201.15. The translation is filed together with a statement that the translation of the certified copy is accurate.

It is submitted that the Applicants are entitled to the priority date and it is accordingly requested that the claim rejections under 35 USC § 102 and 103 be withdrawn.

Claims 18, 22, 25, 29, 30 and 34-38 are rejected under 35 USC 102(a) as anticipated by Cavallini et al (2003). It shall be noted that Cavallini et al. (2003) was published in 2003. It shall be also noted that the present application is the U.S. national stage application filed under 35 U.S.C. 371 of PCT/EP03/13594 that validly claims the priority of BO2002A000759 filed on December 4, 2002 (M.P.E.P. 1893.03(c)). Thus, the Applicants are entitled to the priority date of December 4, 2002 that is antecedent to the date of publication of Cavallini et al. (2003).

Accordingly, it is submitted that the claimed invention was not described in Cavallini et al (2003) before the invention thereof by the applicant.

It is accordingly requested that the claim rejection under 35 USC § 102 be withdrawn.

Moreover, since Cavallini et al. was published after the date of priority to which the Applicants are entitled of December 2, 2002, Cavallini et al. is not part of the prior art

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under meaning of 35 USC 103 for the present application. The Examiner did not show that the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

It is accordingly requested that the rejection under 35 USC 103 be withdrawn.

In view of the foregoing, favorable action on the merits, including entry and approval of all amendments, reconsideration and withdrawal of each rejection and allowance of all claims is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel O'Byrne', with a long horizontal flourish extending to the right.

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